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12-12-02
PATENT

Customer No. 22,852
Attorney Docket No. 07881.0011



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Giancarlo BISAZZA and Aldo BESOLI) Group Art Unit: 1772
)
Serial No.: 09/924,972) Examiner: C. Bruenjes
)
Filed: August 9, 2001)
)
For: DEVICE TO PRODUCE MOSAIC)
PANELS, RELATIVE METHOD)
AND MOSAIC PANELS THUS)
OBTAINED)

RECEIVED
DEC 11 2002
TC 1700

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

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**RESPONSE TO RESTRICTION REQUIREMENT AND
SECOND PRELIMINARY AMENDMENT**

I. Response to Restriction Requirement

In a restriction requirement dated November 15, 2002, the Examiner, under 35 U.S.C. § 121, required restriction to one of the following alleged inventions: Group I (claims 1-14); Group II (claims 15-23); and Group III (claims 24-25). Applicants respectfully traverse the restriction requirement.

In the restriction requirement, the Examiner recognized commonality between the apparatus recited in claims 1-14 and the method recited in claims 15-23 by stating that "Inventions I and II are related as process and apparatus for its practice." See p. 2 of the restriction requirement. The Examiner, however, reasoned that the process as claimed can be practiced by another materially different apparatus. In particular, the

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Examiner asserted that air pressure can be applied to hold tesserae instead of using a suction drum.

In a Second Preliminary Amendment filed concurrently herewith, claim 15 has been amended to clarify the invention by reciting "retaining at least temporarily, on an outer cylindrical surface of suction drum rotating means, said segment of sheet."

Therefore, the method recited in claim 15 is practiced by an apparatus that includes a suction drum, as recited in claim 1, and the method cannot be practiced by another materially different apparatus or by hand. For the above reasons, the restriction requirement should be withdrawn.

In responding to the restriction requirement, Applicants disagree with the assertions and characteristics made by the Examiner. To comply with the rules, however, Applicants provisionally elect to prosecute Group I, claims 1-14 drawn to a device for producing panels of mosaic tesserae, with traverse.

Also, in the Second Preliminary Amendment, claims 24 and 25 have been amended to depend from claim 1. Thus, claims 24 and 25 should be examined with elected claims 1-14.

II. Second Preliminary Amendment

Prior to the substantive examination of the above application, please amend this application as follows:

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